

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article (jar label) "Pain * * * Croup, Sore Throat, Grip, Catarrh, Pneumonia * * * For * * * Pains Croup * * * pneumonia * * * Coughing, sore muscles * * * Neuralgia, eczema, itching piles, boils, Rheumatic Pains, stiff joints, lame back * * * For Coughs or Sore Throat * * * For * * * Pain," (carton) "For Pain * * * For Croup (Spasmodic) * * * Pneumonia, Catarrh, Tonsilitis, Bronchitis, Sore Throat, Whooping Cough, Asthma * * * Neuralgia, Eczema, Itching Humors, Itching Piles, Boils, Rheumatic Pains," (circular) "For Croup (Spasmodic) * * * Pneumonia, Catarrh, Tonsilitis, Bronchitis, Whooping Cough, Asthma, Sore Throat * * * Neuralgia, Eczema, Itching Humors, Boils, Rheumatic Pains * * * For * * * Pain * * * Rising Mist * * * is the * * * way to treat all diseases of the respiratory organs * * *. If throat is sore, a small piece of Rising Mist dissolved in mouth, swallowed slowly will give relief. * * * some penetrate, carrying the medication direct to the innermost affected parts, thus aiding the Mist in scattering the congestion. * * * Coughing, Sore Throat, Itching Piles, Boils, Stiff Joints, Lame Back, Sore Feet * * * Penetration for Pains * * * for stiff joints, lameness, lumbago, sore muscles, etc., Rising Mist * * *. During convalescence there is much pus to be gotten rid of and a free application of Rising Mist will help this process, which should * * * be * * * helped by the use of Rising Mist. Coughs * * * Croup Spasmodic * * * Catarrh Rising Mist has helped * * * cases of Catarrh. The essential oils in this salve promotes healing and softens the mucous membrane and hard sores. * * * Asthma * * * great relief may be had * * * by rubbing Rising Mist on back from neck to hips and over chest and throat * * * Bronchitis * * * Rising Mist used for Muscles and Tissues and Skin Troubles * * * valuable in reducing inflammations and congestions. Rheumatism * * * Or Any Kind Of Body Pains * * * For Pain Greatest Relief For Any Kind Of Pain * * * Earache * * * Neuralgia * * * Piles * * * Whooping Cough * * * Neuritis * * * Stiff Neck * * * For Pain For Treatment Of Pain * * * Its action is longer, more penetrating, and effective. For Lame Back * * * Stiff Joints * * * Rheumatism * * * Boils * * * Sore Throat, Tonsilitis * * * La Grippe * * * Sore Feet. For Sore * * * massage feet with Rising Mist * * * Distemper * * * Roup in Fowls * * * Pneumonia in Horses * * * Pneumonia * * * cover the chest * * * all the affected parts with a thick layer of Rising Mist * * * Repeat Application * * * until fever is reduced," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of such purchasers the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On April 11, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16256. Misbranding of Borine. U. S. v. 25/6 Dozen Medium-Sized Bottles, et al., of Borine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21982, 21983, 21984. S. Nos. 13, 19, 20.)

On July 27, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 13½ dozen bottles, small size, 5½ dozen bottles, medium size, 1½ dozen bottles, large size, and ¼ dozen bottles, magnum size, of Borine at Newark, N. J., alleging that the article had been shipped by the Borine Manufacturing Co., New York, N. Y., in various consignments, on or about February 28, April 28, and June 17, 1927, respectively, and had been transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid (2.0 per cent), a small amount of glycerin, alcohol (20.4 per cent), and water flavored with essential oils. Bacteriological examination showed that the article was not antiseptic.

It was alleged in the libels that the article was misbranded in that the statements upon the carton, to wit, "Antiseptic. The alkalinity of Borine average about 0.108% expressed as sodium carbonate," were false and misleading in that the said article was not an antiseptic and contained no sodium carbonate nor other alkali. Misbranding was alleged for the further reason that the following statements, borne on the label, regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination thereof capable of producing the effects claimed: (Carton) "Avoid colds, sore throat, and contagious diseases. A Clean mouth insures good health—Borine insures a clean mouth * * *. A Penetrating Healing * * * Antiseptic * * *. You will find sound teeth, healthy gums * * * and good health are produced and maintained by the daily use of Borine Antiseptic Mouth-Wash * * * stops decay of food particles lodged about the teeth, prevent soreness of the gums and mouth * * *. For A Douche: Dilute one to two tablespoonfuls of Borine in a pint of warm water. Borine is an excellent remedy for the treatment of vaginal catarrh, leucorrhea, and other inflammatory conditions of the vagina and uterus, cleansing the inflamed membranes from all irritating and ill-smelling discharges, stimulating and toning it to a normal condition;" (circular) "The Bridge To Good Health Borine * * * Healing Antiseptic Prevents Colds and all Throat Trouble * * * prevents dandruff * * * Prevents colds and sore throat."

On July 9, 1928, and September 4, 1928, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16257. Misbranding of Thompson grippe and cold tablets. U. S. v. 111 Wholesale Cartons of Thompson Grippe and Cold Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23415. I. S. No. 07779. S. No. 1610.)

On February 15, 1929, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 111 wholesale cartons, each containing 10 retail packages of Thompson grippe and cold tablets, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Owl Drug Co., from San Francisco, Calif., on or about January 8, 1929, and had been transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets consisted essentially of quinine (0.23 grain per tablet), camphor, extract of glycyrrhiza, sugar, and talcum.

It was alleged in the libel that the article was misbranded in that the following statements were false and fraudulent: (Label) "Grippe * * * Tablets Employed in the treatment of Hay Fever, Influenza, La Grippe, etc., and for the relief of the feverish aching condition and pains that usually accompany the same. Directions—Take one tablet every hour during the day until relieved. Repeat next day if necessary;" (carton) "Grippe * * * Tablets employed in the treatment of Hay Fever, Influenza, La Grippe, etc., and for the relief of the feverish aching condition and pains that usually accompany the same."

On March 18, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16258. Misbranding of P and R chlorine bombs. U. S. v. 11 Cartons of P and R Chlorine Bombs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23416. I. S. No. 07714. S. No. 1582.)

On February 15, 1929, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 cartons of P and R chlorine bombs, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the National Research Corporation, from San Francisco, Calif., on or about June